

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

COPY

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED PULSE OXIMETER PROBE-OFF DETECTOR; the specification of which was filed on **March 21, 2000** as Application Serial No. **09/531,820**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application listed below.

Application No.: 60/126,148

Filing Date: March 25, 1999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Mohamed K. Diab**

Inventor's signature

Mohamed K. Diab

Date

July - 25 - 2000

Residence: **25075 White Spring, Mission Viejo, CA 92692**

Citizenship: **United States**

Post Office Address: **same**

Full name of Second inventor: **Ammar Al Ali**

Inventor's signature *Ammar Al Ali*

Date 8/1/2000

COPY

Residence: **10880 Phillips Street, Tustin, CA 92782**

Citizenship: **United States**

Post Office Address: **same**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

508
OCTOBER 20, 2000

PTAS
KNOBBE, MARTENS, OLSON & BEAR, LLP
STEPHEN C. JENSEN - CUSTOMER NO. 20995
SIXTEENTH FLOOR
620 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/08/2000

REEL/FRAME: 011040/0815
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DIAB, MOHAMED K.

DOC DATE: 07/25/2000

ASSIGNOR:

ALI, AMMAR AL

DOC DATE: 08/01/2000

ASSIGNEE:

MASIMO CORPORATION
2852 KELVIN AVENUE
IRVINE, CALIFORNIA 92614

SERIAL NUMBER: 09531820
PATENT NUMBER:

FILING DATE: 03/21/2000
ISSUE DATE:

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

09-08-2000

8.8.00



TO THE ASSISTANT COMMISSIONER

101452808

nal documents or copy thereof.

1. Name of conveying party(ies): (If multiple assignors, list numerically)

1. Mohamed K. Diab
2. Ammar Al Ali

Additional name(s) of conveying party(ies) attached?

() Yes (X) No

2. Name and address of receiving party(ies):

Name: Masimo Corporation

Internal Address:

Street Address: 2852 Kelvin Avenue

City: Irvine State: CA ZIP: 92614

Additional name(s) of receiving party(ies) attached?

() Yes (X) No

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3. Nature of conveyance:

- (X) Assignment
() Merger
() Security Agreement
() Change of Name
() Other:

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above) 1.) July 25, 2000; 2.) August 1, 2000

4. Application number(s) or Patent number(s):

() Application(s) filed herewith Execution Date(s):

(X) Patent Application No.: 09/531,820

Filing Date: March 21, 2000

() Patent No.:

Issue Date:

Additional numbers attached? () Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Stephen C. Jensen
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

Internal Address: Sixteenth Floor

Street Address: 620 Newport Center Drive

City: Newport Beach State: CA ZIP: 92660

Attorney's Docket No.: MASIMO.173A

7. Total fee (37 CFR 3.41): \$40

(X) Enclosed

(X) Authorized to be charged to deposit account if any additional fees are required, or to credit any overpayment

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and patents involved: one

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Stephen C. Jensen

Name of Person Signing

Signature

Date

35,556

Registration No.

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

09/07/2000 JSHABAZZ 00000024 09531820

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Assistant Commissioner for Patents
Box Assignments
Washington, D.C. 20231

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Application No.: 09/531,820
Filing Date: March 21, 2000

PATENT
Client C de: MASIMO.173A

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ASSIGNMENT

WHEREAS, We, Mohamed K. Diab, a United States citizen, residing at 25075 White Spring, Mission Viejo, CA 92692; and Ammar Al Ali, a United States citizen, residing at 10880 Phillips Street, Tustin, CA 92782, have invented certain new and useful improvements in an **IMPROVED PULSE OXIMETER PROBE-OFF DETECTOR** for which we have filed an application for Letters Patent in the United States, Application No. 09/531,820, filed March 21, 2000;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2852 Kelvin Avenue, Irvine, CA 92614, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25th day of July, 2000

Mohamed K. Diab

Mohamed K. Diab

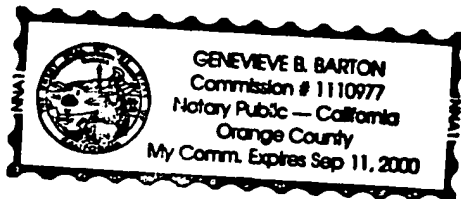
STATE OF CALIFORNIA
COUNTY OF ORANGE

ss.

On July 25, 2000, before me, Genevieve B. Barton, personally appeared Mohamed K. Diab personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Genevieve B. Barton

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15th day of August, 2000.

Ammar Al Ali **COPY**

Ammar Al Ali

STATE OF CALIFORNIA

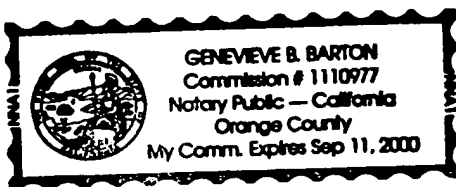
COUNTY OF Orange

SS.

On August 1, 2000, before me, Genevieve B. Barton, personally appeared Ammar Al Ali personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Genevieve B. Barton

Notary Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mohamed K. Diab)
App. No. : 09/531,820)
Filed : March 21, 2000)
For : IMPROVED PULSE OXIMETER)
PROBE-OFF DETECTOR)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and

App. No. : 09/531,820
Filed : March 21, 2000

revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MASIMO CORPORATION

COPY

Dated: 7-20-00

By: Massi E. kiani
Massi E. kiani

Title: President & CEO

Address: 2852 Kelvin, Irvine, CA 92614

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